

AMENDMENTS TO THE DRAWINGS

The attached new, additional Fig. 9 is submitted for the Examiner's review and approval.

Attachment: New sheet including Fig. 9

REMARKS

This submission is in response to the Official Action dated April 22, 2005. Reconsideration of the above identified application, in view of the above amendments and the following remarks, is respectfully requested.

I. Status of the Claims

Claims 1 and 22 have been canceled without prejudice or disclaimer of the subject matter therein. Claims 2-9, 11-14, 16-20, and 23 have been amended. No new matter is added. Claims 2-21 and 23 are presently pending. Claims 10, 15, and 21 have been withdrawn from consideration in accordance with the Examiner's restriction requirement. Claims 2-9, 11-14, 16-20, and 23 are at issue. Claims 1-5, 16-18, 22, and 23 stand rejected. Claims 1, 2, 4-9, 11-14, 16, and 18-21 are objected to.

II. Acknowledgement of Allowable Subject Matter

Applicant thanks the Examiner for the acknowledgement of allowable subject matter in claims 2-5, 17, and 18. Claims 2-5, 17, and 18 have been rejected under 35 U.S.C. § 112, second paragraph, and have been objected to for various informalities and as dependent upon rejected base claims. Claims 2-5, 17, and 18 have been amended to overcome the 35 U.S.C. § 112, second paragraph, rejection and to overcome the objections. Furthermore, claims 2 and 17 have been amended to be in independent form. Claims 3-5 and 18 depend on claims 2 and 17 and are patentable for the same reasons.

III. Restriction Requirement

On pages 2 and 3 of the Office Action, the Examiner repeats the restriction requirement previously issued by telephone, requiring restriction to one of the following two species of the invention:

Species I: Figures 1-5, and

Species II: Figures 6-8.

In response, Applicant confirms the election of the Species I claims (claims 1-9, 11-14, 16-20, 22, and 23). This election is made without traverse. Non-elected claims 10, 15, and 21 have been withdrawn from consideration in accordance with the Examiner's restriction requirement. However, it is noted that upon allowance of the Species I claims, Applicant will be entitled to consideration of claims to additional species which are written in dependent form. In view of the action taken, it is believed that the restriction requirement has been overcome, and it is respectfully requested that it be withdrawn.

IV. Status of the Drawings

The Drawings have been objected for failing to comply with 37 C.F.R. 1.83(a). More specifically, the Examiner has objected to the figures for not showing every feature specified in the claims.

Regarding claims 1 and 16, the Examiner states that the figures do not show "frameworks which have ... cross brackets connecting the frame stubs." The claims have been amended to replace "frameworks" with "a framework" and to replace "cross brackets" with "a cross bracket." No new matter has been added.

Regarding claim 5, the Examiner states that the figures do not show a slot arranged horizontally. Applicant submits herewith a new drawing sheet which includes a Fig. 9 in order to show this feature. No new matter has been added.

Based on the foregoing, the objections to the Drawings should be withdrawn, and reconsideration is respectfully requested.

V. Status of the Specification

The Examiner has objected to the Specification for reciting "the features of independent claim 1" on line 11, "claims 2 to 15 which are dependent on claim 1" on line 13, and "the features of

independent claim 22" on lines 17-18 of page 3. The Examiner states that the features to which the Specification refers must be specifically identified. Accordingly, the Specification has been amended to state that "[t]he novel construction according to the invention is given by the features described below. Advantageous refinements and developments are also described. The coupling unit and the framework according to the invention are also described." References to specific claims have been removed from the Specification. Based on the foregoing, the objection to the Specification should be withdrawn, and reconsideration is respectfully requested.

VI. Objections to the Claims

The Examiner objected to claims 6-9, 11-14, and 19-21 under 37 C.F.R. 1.75(c) for being in the improper form as multiple dependent claims. The claims have been carefully reviewed and revised to remove the multiple dependencies. Thus, Applicant respectfully requests that the objection be withdrawn.

The Examiner objected to claims 1, 2, 4, 5, 16, and 18 for various informalities. The Examiner identified several errors in the format and language of the claims. Claim 1 has been canceled, and hence, the objection to claim 1 is moot. The remaining claims have been amended to correct the errors. Specifically, the word "it" has been removed from claim 2, "connection" has been replaced with "fit" in claim 3, "of the further recess" has been canceled from claims 4 and 5, "in particular for use in a connecting construction" has been canceled from claim 16, and claim 18 has been amended to depend on claim 17. Thus, Applicant respectfully requests that these objections be withdrawn.

VII. 35 U.S.C. § 112 Rejection

Claims 1-5, 16-18, 22, and 23 have been rejected under 35 U.S.C. § 112, second paragraph, for being indefinite.

The Examiner states that claims 1-5, 16-18, 22, and 23 are generally narrative and indefinite. Accordingly, the claims have been carefully reviewed and revised. Claims 1 and 22 have been canceled, and hence, the rejection of claims 1 and 22 is moot.

Regarding claims 1, 22, and 23, the Examiner states that the limitation "by means of which a coupling unit can be connected" makes the claim unclear. These claims have been amended to remove the phrase "by means of which." Claims 1 and 22 have been canceled, and hence, the rejection of claims 1 and 22 is moot. The amended claims have also been reviewed to omit the phrase "by means of which." Claim 23 has been amended to recite "an additional coupling unit that is connectable to the frame strut."

Regarding claims 1, 2, 3, 17, 18, and 22, the Examiner states that the recitation of "and/or" in the claims is unclear. Claims 1 and 22 have been canceled, and hence, the rejection of claims 1 and 22 is moot. Claims 2, 3, 17, and 18 have been amended to recite "at least one of a positive and non-positive fit." A "positive fit" is a type of fit that results in a clearance or space between the parts. A "non-positive fit" occurs when there is an interference between the parts or when the fit is line-to-line. Anthony W. Duva et al., *Interface Based Design, A Method For Detailed Design Execution*, at http://ox.wit.edu/~duvaa/ASEE_Interface_Paper.pdf.

The claims have also been reviewed to clarify that the further recess is provided in the sheet steel corner plate.

Based on the foregoing, the rejections of claims 1-5, 16-18, 22, and 23 under 35 U.S.C. § 112, second paragraph, should be withdrawn, and reconsideration is respectfully requested.

VIII. Double Patenting

The Examiner advises that claims 1-3 are substantial duplicates of claims 16-18 and that if claims 1-3 are found allowable, claims 16-18 will be objected to. Claims 1-3 are directed to a connecting construction for components of a system frame. Claims 16-18 have been amended to be

directed to a coupling apparatus for a frame system. Thus, the claims are not substantial duplicates of each other.

IX. 35 U.S.C. § 102(b) Rejection

The Examiner has rejected claims 1, 16, 22, and 23 as being anticipated by U.S. Patent Number 5,577,353 to Simpson. Applicant respectfully traverses this rejection, and reconsideration is respectfully requested.

Claims 1 and 22 have been canceled, and hence, the rejection of claims 1 and 22 is moot. Claim 23 has been amended to be in independent form.

The invention as described in the amended claims is directed to a connecting construction for components of a system frame in a scaffolding, comprising a framework 10 having frame struts and a cross bracket connecting the frame struts, a sheet steel corner plate 20 which is arranged in each case in the region in which the cross bracket is connected to the frame strut and which has a corner recess 22 in the corner region of the plate in which the cross bracket is connected to the frame strut, a coupling unit that is connectable to the frame strut via the sheet steel corner plate, a further recess 24 in the sheet steel corner plate approximately level with the corner recess and offset inward, and a further coupling unit having a first coupling element and a second coupling element. The first coupling element is connectable to a frame tube. The second coupling element is fastenable in the further recess of the sheet steel corner plate with a positive or non-positive fit. An additional recess 26 is provided below the corner recess of the sheet steel corner plate, and an additional coupling unit 54 is connectable to the frame strut via the additional recess.

Simpson discloses a steel frame truss assembly for a building having connecting plates 38 that connect bars using screws. Simpson discloses a truss assembly for buildings. However, claims 16 and 23 have been amended to state that the claimed framework (claim 23) and coupling apparatus (claim 16) are used for scaffoldings. The present invention relates to frameworks for scaffoldings (page 10, lines 18-20, of the Specification), and the sheet steel corner plate allows for

the possibility of connecting additional bars to the scaffolding by providing multiple recesses in the sheet steel corner plate to which additional coupling units can be connected.

Claim 13, for example, recites three recesses in the plate, i.e., 22, 24, and 26. Simpson's plate has no such recesses. At most, it has screw holes that fasten the plate to the frame members. However, these screw holes are not recesses that engage "coupling units" 52, 30, 54. Thus, a principle feature of the invention is missing from Simpson.

Based on the foregoing, the rejection of claims 1, 16, 22, and 23 under 35 U.S.C. § 102(b) should be withdrawn, and reconsideration is respectfully requested.

CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

If there are any other issues remaining which the Examiner believes could be resolved through either a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at the telephone number indicated below.

Dated: July 22, 2005

Respectfully submitted,

By Denise L. Poy
Denise L. Poy

Registration No.: 53,480
DARBY & DARBY P.C.
P.O. Box 5257
New York, New York 10150-5257
(212) 527-7700
(212) 527-7701 (Fax)
Attorneys/Agents For Applicant